

Senior Prob12B
(7/93)

**United States District Court
for the Northern District of New York**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Shane Smith

Case Number: DNYN1:15CR000333-001

Name of Sentencing Judicial Officer: Honorable Mae A. D'Agostino, U.S. District Judge

Date of Original Sentence: September 6, 2016

Original Offense: Illegal Possession of a Machine Gun

Original Sentence: 37 Months Imprisonment; 3 Years Supervised Release

Type of Supervision: Supervised Release

Date Supervision Commenced: January 17, 2019

PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total term of years.
☒ To modify the conditions of supervision as follows:

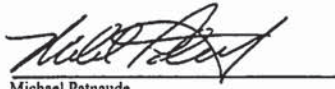
Add:

You must submit your person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, by any federal probation officer, or any other law enforcement officer from whom the Probation Office has requested assistance, concerning a violation of a condition of probation or supervised release or unlawful conduct by you. Any items seized may be removed to the Probation Office or to the office of their designee for a more thorough examination.

CAUSE


On January 3, 2020, New York State Parole and an Officer with the Joint Terrorism Task Force (JTTF) conducted an unannounced home contact at the defendant's residence and found items consistent with white supremacy beliefs (militia flags, combat field guides, notes on reloading ammunition) in the defendant's residence. As documented in the defendant's Pre-Sentence Report from his instant offense, the defendant has a past tie with white supremacist beliefs.

Approved by:


Michael Patnaude
Supervising U.S. Probation Officer

Date: 2/3/20

Respectfully submitted,


Michael J. Salamy
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other


Mae A. D'Agostino
U.S. District Judge

February 4, 2020

Date

PROB 49
NNYrev.6/10

Waiver of Hearing to Modify Conditions
of Supervised Release or Extend Term of Supervision

**UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF NEW YORK**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my conditions of Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have a right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. **I am fully aware this is only a proposal to the Court to address the alleged violation(s) and it is in no way binding upon the Court. The Court has the discretion to order a hearing which could result in a different sanction being imposed.** I agree to the following modification of my Conditions of Supervised Release or to the proposed extension of my term of supervision:

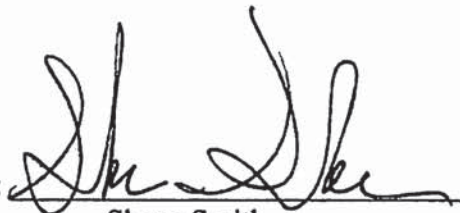
1. You must submit your person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, by any federal probation officer, or any other law enforcement officer from whom the Probation Office has requested assistance, concerning a violation of a condition of probation or supervised release or unlawful conduct by you. Any items seized may be removed to the Probation Office or to the office of their designee for a more thorough examination.

Witness:



U.S. Probation Officer

Signed:



Shane Smith
Supervised Releasee



Date